

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No.: 2:18-CR-050
	)	
MICHAEL ARTHUR NIXON	)	

**DEFENDANT MICHAEL ARTHUR NIXON'S SECOND MOTION FOR  
CONTINUANCE OF SENTENCING HEARING**

Defendant Michael Arthur Nixon hereby files this Second Motion for Continuance of Sentencing Hearing, showing the Court as follows:

1.

Defendant's sentencing hearing in the above-captioned criminal matter has been scheduled for Wednesday, December 11, 2019 at 1:00 p.m.

2.

Defendant has subpoenaed a material witness, Kimberly Daniels, who is an employee of Dismas Charities, Inc.

3.

Dismas Charities operates a halfway house in Savannah, Georgia, where Ms. Daniels supervised Defendant while on supervised release from approximately April 11, 2017 through October 4, 2017.

4.

Ms. Daniels was served with the subpoena and informed Defendant's counsel this afternoon that she is required to obtain additional authorizations, including from the Federal Bureau of Prisons, before she is permitted as an employee of Dismas Charities to appear and testify in court. The subpoena has been forwarded to the appropriate officials for authorization, but as of

the filing of this Motion, Ms. Daniels had not received the required authorizations and was not sure when such authorization would be received.

5.

Because Ms. Daniels' testimony may have a material impact on the outcome of Defendant's sentencing hearing and because she cannot appear until such authorizations are issued, Defendant respectfully requests that the Court continue the sentencing hearing for a sufficient amount of time to enable Ms. Daniels to obtain the appropriate authorizations to testify at Defendant's sentencing hearing.

RESPECTFULLY SUBMITTED, this 10th day of December, 2019.

ROBERTS TATE, LLC

/s/ Jason M. Tate

Jason M. Tate

State Bar No. 140827

[jtate@robertstate.com](mailto:jtate@robertstate.com)

ATTORNEY FOR DEFENDANT

MICHAEL ARTHUR NIXON

Post Office Box 21828  
St. Simons Island, Georgia 31522  
(912) 638-5200  
(912) 638-5300-Fax

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a copy of the foregoing **DEFENDANT MICHAEL ARTHUR NIXON'S SECOND MOTION FOR CONTINUANCE OF SENTENCING HEARING** was served on all parties entitled to receive such service via the CM/ECF electronic filing system of this Court.

This the 10th day of December, 2019.

ROBERTS TATE, LLC

/s/ Jason M. Tate

Jason M. Tate

State Bar No. 140827

[jtate@robertstate.com](mailto:jtate@robertstate.com)

ATTORNEY FOR DEFENDANT

MICHAEL ARTHUR NIXON

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